

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Patrick L. Booker, #297590,)	
)	
Plaintiff,)	C.A. No. 8:12-985-HMH-JDA
)	
vs.)	OPINION & ORDER
)	
South Carolina Department of Social)	
Services, Greenville County Sheriff's Office,))	
Greenville County School District, Brandy P.))	
Sullivan, Tammy Childs, Shawnee Peeples,))	
and Kelly P. Karow,)	
)	
Defendants.)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.¹ Patrick L. Booker ("Booker"), a pro se state prisoner, filed this action in the Court of Common Pleas, McCormick County, South Carolina alleging state law claims and a civil rights action under 42 U.S.C. § 1983. The Defendants removed the action to federal court on April 9, 2012. Booker filed a motion to remand on May 7, 2012, and Greenville County School District ("GCSD") filed a motion to dismiss on May 9, 2012. Magistrate Judge Austin recommends granting GCSD's motion to dismiss and denying Booker's motion to remand. Booker filed objections to the Report and Recommendation.

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that some of Booker's objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his claims. As an initial matter, Booker agrees with the magistrate judge's recommendation to grant GCSD's motion to dismiss. (Objections 1.) However, Booker objects to the magistrate judge's recommendation to deny his motion to remand. (Id., generally.) Booker argues that his state claims substantially predominate over the "lone federal claim" and therefore, remand is required. (Id. 2.) "[I]n any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy" 28 U.S.C. § 1367(a). The district court may decline to exercise supplemental jurisdiction over a claim if it "substantially predominates over the claim or claims over which the district court has original jurisdiction." § 1367(c). Booker submits that all of his claims do not arise from law enforcement taking emergency custody of his daughter. (Objections 2.) After review, this objection is without merit. The state claims and the federal claim are related and arise from the same facts and circumstances, the placement of Booker's daughter in the custody of the Department of Social Services. (Am. Compl., generally.) Based on the foregoing, the state causes of action do not substantially predominate over the federal

claim. (Id. 3.) Therefore, after a thorough review of the Report and Recommendation and the record in this case, the court adopts the magistrate judge's Report and Recommendation.

It is therefore

ORDERED that GCSD's motion to dismiss, docket number 27, is granted. It is further

ORDERED that Booker's motion to remand, docket number 24, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
September 11, 2012

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.